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Federal Public Defender
2 RONALD TYLER
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3 Assistant Federal Public Defenders
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6 Counsel for Defendant SALCEDO MENDOZA

7
8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) No. CR 08-0399 PJH
12)
Plaintiff,)
13)
v.) DECLARATION OF JODI LINKER IN
14) SUPPORT OF DEFENDANT'S
JAIME SALCEDO MENDOZA) OPPOSITION TO THE UNITED STATES'
15) MOTIONS IN LIMINE
Defendant.)
16)
17)

18 I, Jodi Linker, state as follows:

- 19 1. I am an Assistant Federal Public Defender in the Northern District of California. My
20 office has been appointed to represented Jaime Salcedo Mendoza in the above-captioned
21 case. I am working on this case with Assistant Federal Public Defender Ronald Tyler.
22 2. I submit this declaration in support of Mr. Salcedo-Mendoza's Opposition to the United
23 States' Motions in Limine.
24 3. Attached hereto as Exhibit A is a true and correct copy of bates numbered document
25 USA-0259 dated 5/13/2002, which was produced by the government in discovery.
26 4. Attached hereto as Exhibit B is a true and correct copy of the expert report of Thomas

1 Liszkiewicz, Senior Fingerprint Specialist for the Department of Homeland Security
2 dated August 14, 2008.

3 5. Attached hereto as Exhibit C is a true and correct copy of the Government's Notice of
4 Expert Testimony (Rule 16) filed on August 13, 2008.

5 I declare under penalty of perjury that the foregoing is true and correct to the best of my
6 knowledge.

7 Signed and dated on the 20th day of August 2008 in San Francisco, California.

8
9 /s/
10 Jodi Linker
Assistant Federal Public Defender

EXHIBIT A

Before we ask you any questions, you must understand.

- You have the right to remain silent.
- Anything you say may be used against you in court.
- You have the right to talk to an attorney before we ask you any questions and to have an attorney with you during questioning.
- If you cannot afford an attorney, one will be appointed for you before questioning if you wish.
- You also have the right to talk to the consular or diplomatic officers from your country of citizenship.

Do you understand? _____

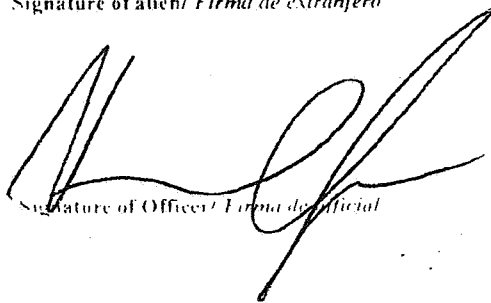
Are you willing to answer some questions? _____

Rights in/ Derechos en:

English
Inglés

Date & time/ Fecha y hora 5/13/02, 1240

Signature of alien/ Firma de extranjero



Signature of Officer/ Firma de oficial

Signature of Witness/ Firma de testigo

Antes de hacerle algunas preguntas, usted tiene que entender.

- Usted tiene el derecho de permanecer callado.
- Cualquier cosa usted diga, se puede usar en su contra en la corte.
- Usted tiene el derecho de consultar con un abogado antes de hacerle algunas preguntas, y tener dicho abogado presente durante el interrogatorio, si usted desea.
- Si usted no puede pagar para los servicios de un abogado, uno sera nombrado para usted, antes de cualquier interrogatorio, si usted desea.
- Usted tambien tiene el derecho de consultar con un consulado o oficiales diplomaticos de su pais de ciudadania.

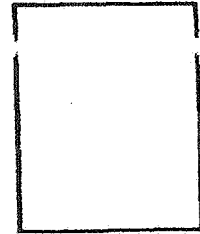
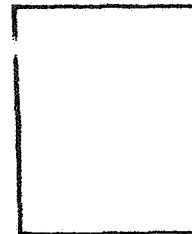
?Entiende usted? Yes

?Esta dispuesto a contestar algunas preguntas?

Yes

☒ Spanish
Espanol

English and Spanish
Inglés y Espanol



L Thumb

R Thumb

EXHIBIT B



U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
Office of Investigations
Forensic Document Laboratory (FDL)

August 14, 2008

FDL-08-07049

Senior Field Training Officer Cecyle J. Andrews
U.S. Immigration and Customs Enforcement
630 Sansome Street, Room 586
San Francisco, CA 94111
415-844-5803
REF: A77188553

EXHIBIT(S):

- 1.1 FD-249, Fingerprint Card bearing fingerprint impressions and the name JAIME SALCEDO-MENDOZA, A# 77 188 553, dated 02/09/99 by CAINS.
- 1.2 FD-249, Fingerprint Card bearing fingerprint impressions and the name JAIME SALCEDO-MENDOZA, A# 77 188 553, dated 05/29/08 by CAICE.
- 1.3 I-205, Warrant of Removal/Deportation for Jaime SALCEDO-Mendoza, A# 77 188 553, executed 02/12/99 with a fingerprint impression thereon.
- 1.4 I-205, Warrant of Removal/Deportation for Jaime SALCEDO Mendoza, A# 77 188 553, executed 02/10/04 with a fingerprint impression thereon.
- 1.5 DHS Record of Sworn Statement for JAIME SALCEDO-MENDOZA, A# 77 188 553, dated 05-29/08 with fingerprint impressions thereon.
- 1.6 Copy of San Mateo County Arrest Report/Booking Sheet for JAIME MENDOZA SALCEDO, DOB 12/18/77, dated 06/09/98 with a fingerprint impression thereon.
- 1.7 Copy of Fingerprint Card for JULIAN MALLADO, DOB 08/20/77.

FINDINGS:

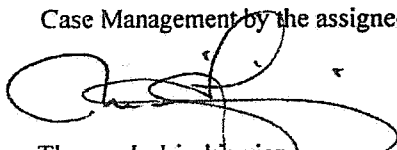
The fingerprint impressions appearing on exhibits 1.1 through 1.7 were made by the same individual.

The fingerprint individualizations were established by a comparative analysis of the friction ridge detail for the fingerprint impressions in question.

REMARKS:

The exhibits were received by the Forensic Document Laboratory on August 13, 2008 and will be returned to the submitter by official courier.

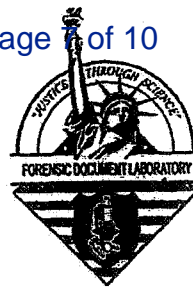
The Forensic Document Laboratory requires that Project Code 0E7 for Fingerprint Examination be entered into Case Management by the assigned case agent.


Thomas L. Liszkiewicz
Senior Fingerprint Specialist



AN ASCLD/LAB® ACCREDITED LABORATORY SINCE FEBRUARY 2001





Forensic Document Laboratory
TECHNICAL REVIEW SUMMARY SHEET

Case Number: 08-07049

Date: 08-14-08

Examiner: Thomas Liszkiewicz
(Print Name)

Examiner's Initials TL

Reviewer: GENIUS JOHNSON
(Print Name)

✓ I concur with the Examiner's conclusion(s).

ln
Reviewer's Signature

 I do not concur with the Examiner's conclusion(s).

Reviewer's Signature

Reviewer: Please describe the nature and possible cause(s) of disagreement in your examination findings with those of the Examiner.

Supervisor's Review and Comments:

Signature/Date: _____

EXHIBIT C

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

TAREK J. HELOU (CABN 218225)
Assistant United States Attorney

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E-mail: Tarek.J.Helou@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAIME SALCEDO-MENDOZA,

Defendant.

No. CR 08-399 PJH

**GOVERNMENT'S NOTICE OF EXPERT
TESTIMONY (RULE 16)**

Trial Date: September 8, 2008
Pretrial Conf.: August 27, 2008
Judge: Hon. Phyllis J. Hamilton

Pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G) and discovery previously provided in the matter, the government hereby discloses the expert testimony it intends to offer at trial. The government reserves its right to supplement this Notice as its trial preparation continues.

I. Expert's Qualifications

Thomas Liszkiewicz is a Senior Fingerprint Specialist with the Department of Homeland Security, Immigration and Customs Enforcement, Forensic Document Laboratory in McLean, Virginia. He has more than 20 years of experience in the field of fingerprint identification. He

GOVT'S EXPERT NOTICE
CR 08-399 PJH

1 has testified as an expert witness in fingerprint examination in federal court over 100 times. He
2 also has testified as an expert in fingerprint examination in state courts several dozen times.

3 The government provided a full summary of Mr. Liszkiewicz's qualifications, as
4 contained in his curriculum vitae, to the defendant on August 13, 2008. *See* Bates No. USA-354
5 – USA-355.

6 **II. Expert's Opinions and Basis Therefor**

7 Mr. Liszkiewicz will testify about his review and examination of the fingerprints on the
8 Warrants of Deportation, the fingerprints on the fingerprint cards contained in the Defendant's
9 A-File, and the fingerprints on documents from the defendant's prior convictions and arrests.
10 The government anticipates that Mr. Liszkiewicz will offer his expert opinion that the
11 fingerprints on each document that he reviewed and examined were made by the same individual.
12 He will testify that his opinion was made by an analysis, comparison, and evaluation of the
13 friction ridge detail on the documents he reviewed. Mr. Liszkiewicz will also testify that his
14 conclusions are based on the two fundamental principles of friction ridge identification: (1)
15 friction ridges present in fingerprints begin to develop in the fetus and persist, unchanged, until
16 after death when decomposition destroys the ridged skin; and (2) no two fingerprints are the
17 same, even fingerprints belonging to identical twins. Mr. Liszkiewicz will further testify that he
18 arrived at this conclusion by using the standard ACE-V (Analysis, Comparison, Evaluation –
19 Verification) methodology and he will further explain this methodology.

20 The government will provide Mr. Liszkiewicz's report of his analysis to defense counsel
21 when government counsel receives it.

22
23 DATED: August 13, 2008

Respectfully submitted,

24 JOSEPH P. RUSSONIELLO
United States Attorney

25 /S/

26 TAREK J. HELOU
27 Assistant United States Attorney
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